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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,723	01/25/2001	Dana L. DeVoe	DeVoe-Credit Card-Fee	2219
7590 05/31/2005				
F. Rhett Brockington 4809-302 Alexander Valley Drive Charlotte, NC 28270				
EXAMINER CHARLES, DEBRA F				
ART UNIT		PAPER NUMBER		
3624				

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/759,723	<b>Applicant(s)</b> DEVOE ET AL.	
	<b>Examiner</b> Debra F. Charles	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 25 January 2001.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-12 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2, 1/25/2001</u> .	6) <input type="checkbox"/> Other: _____

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claims must be consistently numbered. Claim 1 has subnumbering of 1,2,3 and claim 2 has subnumbering of a,b,c. Please be consistent in numbering.

2. Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 8. See MPEP § 608.01(n). Accordingly, the claim 8 not been further treated on the merits. Claim 8 depends on itself. A claim may not depend on itself.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 are rejected under 35 U.S.C. 101 because the bodies of the claims do not recite technology, i.e. computer implementation or any other technology in a non-trivial manner. *In re Toma*, 197 USPQ 852 (CCPA 1978). *Ex parte Bowman* 61 USPQ2D 1669.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) The claimed invention must produce a "useful, concrete, tangible result" ( *In re Alappat*, 31USPQ2d 1545, 1558 (Fed. Cir. 1994) and *State Street vs. Financial Signature Group Inc.*, 47 USPQ2d 1596' 1601-02 (Fed Cir. 1998));

AND

2) The claimed invention must utilize technology in a non-trivial manner (*Ex parte Bowman*, 61 USPQ2d 1665, 1671 (Bd. Pat. Pat. App. & Inter. 2001)).

As to the technology requirement, note MPEP 2106 IV B 2(b). Also note *In re Waldbaum*, 173USPQ 430 (CCPA 1972) which teaches "useful arts" is synonymous with "technological arts". In *Musgrave*, 167USPQ 280 (CCPA 1970), *In re Johnston*, 183USPQ 172 (CCPA 1974), and *In re Toma*, 197USPQ 852 (CCPA 1978), all teach a technological requirement.

In *State Street*, "in the technological arts" was never an issue. The invention in the body of the claim must recite technology. If the invention in the body of the claim is not tied to technological art, environment, or machine, the claim is not statutory. *Ex parte Bowman* 61USPQ2d 1665,1671 (BD. Pat. App. & Inter.2001)(Unpublished).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3, 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams(5177342A) and D'Agostino(6324526B1).

Re claims 1, 3, 4 and 12 : Adams disclose a method for reducing credit card fraud consisting of the following steps:

An authorized user accesses his credit card account which has a usage line(Abstract, Fig. 1, item 30, 32, Fig. 2, col. 3, line 15-col. 4, line 25):

2. The user presents or communicates his credit card, at time of a purchase, to the merchant(col. 1, lines 15-40).

3. The merchant contacts a card processor, initiating a request that funds be transferred from the account to the merchant(col. 1, lines 40-55).

4. The card processor relays the request to an issuing bank for the credit card account(col. 4, lines 35-65).

5. The issuing bank individually processes the request through the account and through the usage line, said processing generating a first result for the account, and a second result for the usage line(col. 4, lines 35-65,col. 5,

lines 1-67, col. 6, lines 40-50, the issuer bank verifies both the card account number and the credit limit).

6. The issuing bank compares the results and issues a reply to the card processor that the request is approved if both the first result and the second result are approved, or replies that the requests is declined if either result is not approved(col. 4, lines 35-65,col. 5, lines 1-67, col. 6, lines 40-50).

7. The card processor communicates the reply to the merchant(col. 4, lines 35-65).

8. The merchant completes the purchase, or notifies user that card was declined(Figs. 1,2).

Adams does not explicitly disclose where the usage line, which is solely administrated by the authorized user, is a paradigm that optionally defines approved merchants, approved times, coincident user approval and other criteria as established by the user. However, in (col. 5, lines 5-65 and col. 6, lines 40-50, Adams indicates a table of decision rules determines the authorization. Further, in col. 3 lines 35-65, D'Agostino disclose various limitations on credit card approval that basically limit the card use as

applied to certain merchants among other items disclosed. Thus, it would have been obvious to one with an ordinary level of skill in the art to alter Adams as per D'Agostino to employ various parameters defining a paradigm to get the benefit of a dynamically changing authorization standards that are defined by the user in addition to those defined by the issuer.

5. Claim 2,5, 6,7,8,9,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams and D'Agostino as applied to claim 1,3 and 4 above, and further in view of Brake, Jr. et al.(6865547B1) and Blagg et al.(US2002/0198806A1).

Re claims 2,5, 6,7,8,9,10 and 11: Adams and D'Agostino disclose the invention except a.) Establishing a credit card account with an offering fiduciary institution, where the account has a usage line and a line of credit, and wherein, ultimately, the account can be accessed and viewed on a computerized screen; d.) Activating the card. However, in the Abstract, col.2, lines 20-45, Fig. 2, col. 2, lines 45-63, col. 3, lines 30-67; Brake et al. disclose opening a new credit card account and activating it. It would be obvious to one of ordinary skill in the art to modify the invention of Adams

and D'Agostino based on the teachings of Brake et al. The motivation to combine these references is to reduce the number of steps required to open a credit card account.

Adams, D'Agostino and Brake et al. disclose the invention except b) Setting communication protocols and security profiles for accessing the credit card account for remote viewing of the account where said account has an activity register; h.) Amending the usage line to reflect anticipated changes in spending habits, such as a single large purchase having a window of time, or a purchase over the Internet with a new merchant; wherein a preferred means of approval is via email and usage line is accessible to the authorized user through a web site. However, in Fig. 12, 13, para. 0007-0014, Blagg et al. disclose modifying usage parameters on the credit card account via web or email. It would be obvious to one of ordinary skill in the art to modify the invention of Adams, D'Agostino and Brake et al. based on the teachings of Blagg et al. The motivation to combine these references is to automate credit card account maintenance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0315.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles  
Examiner  
Art Unit 3624

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